

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Michael Lazaroff

)
) MUR 5092
)

CONCILIATION AGREEMENT

This matter was initiated by a Complaint filed with the Federal Election Commission ("the Commission") by Daryl D. Duwe of the Missouri Republican Party and pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. §§ 437g(a)(1) and (2). The Commission found reason to believe Michael Lazaroff knowingly and willfully violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. On or about September 27, 1999, all of the following partners and employees of the St. Louis law firm of Thompson Coburn LLP contributed \$1,000 each to the Gore 2000, Inc.

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committee: Lawrence Friedman, Steven Graham, Karon Hippard, Michael Lazaroff, Lisa Kramer Mueller, Lou Ann Wilcox, and Steven Wild.

2. All of the above Respondents admit being reimbursed by firm partner Michael Lazaroff for their contributions to Gore 2000, Inc.

3. On September 30, 1999, Karon Hippard and Lou Ann Wilcox contributed \$1000 each to the Bill Bradley for President, Inc. ("Bradley") campaign.

4. Karon Hippard and Lou Ann Wilcox admit to being reimbursed by firm partner Michael Lazaroff for their contributions to the Bradley campaign.

5. Contributions by an individual to a federal candidate and his authorized political committees are limited to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

6. 2 U.S.C. § 441f prohibits: (1) making a contribution in the name of another; (2) knowingly permitting one's name to be used to effect such a contribution; and (3) knowingly accepting such a contribution. In addition, no person may knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). This prohibition also applies to any person who provides the money to others to effect contributions in their names. 11 C.F.R. § 110.4(b)(2).

7. The Act addresses violations of law that are knowing and willful. See 2 U.S.C. §§ 437g(a)(5)(B) and 437g(d). The phrase "knowing and willful" indicates that "actions [were] taken with full knowledge of all of the facts and a recognition that the action is prohibited by law." 122 Cong. Rec. H3778 (daily ed. May 3, 1976).

V. Respondent Michael Lazaroff circumvented the Act's personal contribution limit of \$1,000 by requesting fellow employees make contributions to two political campaigns and then

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reimbursing those employees for their contributions with his personal funds in knowing and willful violation of 2 U.S.C. §§ 441a(a)(1)(A) and 441f.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of eight thousand dollars (\$8,000), pursuant to 2 U.S.C. § 437g(a)(5)(B).

Respondent will cease and desist from violating 2 U.S.C. §§ 441a(a)(1)(A) and 441f. Further, Respondent will waive his right to a refund of all political contributions from the recipient committees.

VII. Respondent Michael Lazaroff has indicated that financial hardship prevents him from paying more than \$8,000 in civil penalty and has submitted financial documentation in support of his claim. The Commission regards this statement as a material representation. If evidence is uncovered which indicates that Mr. Lazaroff's financial condition is not as he has stated, the Commission will consider this agreement to have been violated and will proceed under Paragraph VIII.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

3/26/03
Date

BY: Rhonda J. Vosdigh
Rhonda J. Vosdigh
Associate General Counsel

FOR THE RESPONDENT:

Michael Lazaroff
Michael Lazaroff

2/3/03
Date

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